

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALMETER JONES O/B/O S,
Plaintiff,

v.

JO ANNE B. BARNHART
Defendant

Civil Action

No. 04-1885

ORDER

AND NOW, this _____ day of September, 2005, after careful review and independent consideration of the parties' cross-motions for summary judgment, Plaintiff's reply brief, the administrative record and upon review of the Report and Recommendation of Carol Sandra Moore Wells, United States Magistrate Judge, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Commissioner's Motion for Summary Judgment is DENIED;
3. The Plaintiff's Motion for Summary Judgment is GRANTED in part and DENIED in part; and
4. The matter is REMANDED to the Commissioner of the Social Security Administration, so that the Administrative Law Judge ("ALJ") can conduct additional proceedings consistent with the Report and Recommendation. Specifically, upon remand the ALJ should (a) proceed with counsel, if Plaintiff so desires; (b) allow Plaintiff to incorporate new and material evidence of S's medical impairments into the administrative record to include *all* medical, school, and family documentation; and (c) re-evaluate the disability status of S's medically documented impairments, including ODD, and render a new decision in consideration of his combination of impairments.

It is so ORDERED.

Pollak, J.